

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Docket No. 1:04CR10098-003-WGY

Carmen Figueroa
defendent

VS

UNITED STATES OF AMERICA

plaintiff

Now comes the defendant, Carmen Figueroa pro se, respectfully by request, this honorable court, pursuant to 18 U.S.C. A§3582 (c)(2) and 1B1.10 of the sentencing guidelines to reduce her sentence based upon Amendment 706 of the USSG 2D1.1 which became effective Nov. 1, 2007.

In support thereof, defendant states the following:

1.) On 7-12-2006 the defendant was sentenced to a term of imprisonment of 96 months on 1 count of Conspiracy to distribute crack cocaine in violation of 21 USC 846.

2.) Effective Nov. 1, 2007, section 2D1.1 of the sentencing guideline was amended by reducing the base offense level for crack cocaine.

3.) As established under 1B1.10 of the sentencing guidelines, this amendment is to be applied retroactively.

4.) Applying the applicable provisions of the guidelines as they existed on the date of the defendant's sentencing, the base offense level is 29

5.) When the defendant's base offense level is recalculated in accordance with the language of the amendment, the offense level would be 27

6.) The defendant's criminal history computation remains a category 1.

7.) The appropriate guideline range for an offense level 27 is 70-87.

8.) Therefore the defendant is entitled to be resentenced under retroactively applied amendment.

Based on the foregoing arguments the honorable court is respectfully urged to reduce the defentants sentence pursuant to 18 U.S.C. §3582(c)(2), and enter a new judgement reflecting the change and apply any further relief, which this honorablecourt deems just and fair.

Date 1/30/08

Respectfully Submitted,
Carmen Figueroa

Carmen Figueroa

Carmen Figueroa
25150-083
Rt. 37
Danbury, Ct. 06811